

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BRANDY WAUGH,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
FIRSTSOURCE ADVANTAGE, LLC.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, BRANDY WAUGH (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, FIRSTSOURCE ADVANTAGE, LLC. (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing at 9000 Sundance Trail, Aubrey, Denton County, Texas 76227.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Buffalo, New York.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a consumer debt from Plaintiff regarding reference number 18848678.
11. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.
12. Starting in approximately April of 2011, Defendant began placing collection calls to Plaintiff in an attempt to collect a consumer debt regarding reference number 18848678.
13. On or about July 26, 2011, Defendant left a voicemail message for Plaintiff, in an attempt to collect a consumer debt regarding reference number 18848678., at Plaintiff's work at the following number: 972-548-36xx. *See* Defendant's transcribed voicemail message attached as Exhibit A.
14. Defendant's voicemail message for Plaintiff on or about July 26, 2011, failed to state that the communication was from a debt collector. *See* Exhibit A.
15. Defendant's message for Plaintiff on or about July 26, 2011, requested Plaintiff to call back at 800-741-8860, a number belonging to Defendant.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, BRANDY WAUGH, respectfully requests judgment be entered against Defendant, FIRSTSOURCE ADVANTAGE, LLC, for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
19. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE THAT Plaintiff, BRANDY WAUGH, demands a jury trial in this case.

Dated: July 29, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss

Michael S. Agruss (IL SBN: 6281600)

Attorneys for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, BRANDY WAUGH, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BRANDY WAUGH, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-28-11
Date

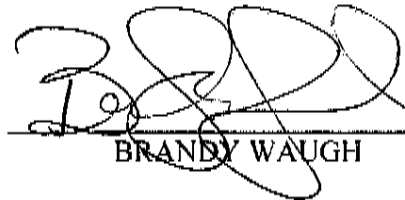

BRANDY WAUGH

EXHIBIT A

Hello, this message is for Brandy Waugh. This is Megan calling from First Source Advantage, LLC. It is very important that you return this call. Call toll free at 1-800-741-8860 and when calling in use reference number 18848678. My office will be open today until 09:00 PM or you can reach us tomorrow morning beginning at 8:00 AM Eastern Standard Time. Thank you.